

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

<b>JUSTIN WADE WILLIAMS,</b>	)	
	)	
Plaintiff,	)	
	)	
<b>v.</b>	)	<b>No. CIV 16-467-RAW-DES</b>
	)	
<b>SHANNON SMITH, et al.,</b>	)	
	)	
Defendants.	)	

**OPINION AND ORDER**

On June 7, 2018, the Court dismissed this action without prejudice for Plaintiff's failure to prosecute the case, and judgment was entered (Dkts. 24, 25). More than five years later, on July 17, 2023, Plaintiff filed a motion to reconsider the dismissal, claiming the Court's motion to show cause why the action should not be dismissed, entered on May 16, 2017, was "ambiguous" (Dkts. 18, 26).

The Court has carefully reviewed the record and liberally construes Plaintiff's pro se motion as a motion for relief from a judgment or order, pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. *See Haines v. Kerner*, 404 U.S. 519, 520-21 (1972). Rule 60(b) may relieve a party from a final judgment or order for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
- (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or

(6) any other reason that justifies relief.

Fed. R. Civ. P. 60(b).

Rule 60 further states that the motion “must be made within a reasonable time--and for reasons (1), (2), and (3) no more than a year after entry of the judgment or order or the date of the proceeding.” Fed. R. Civ. P. 60(c).

After careful review, the Court finds Plaintiff has failed to file his motion within a reasonable time, and he has offered no explanation for his delay. Therefore, the motion must be DENIED.

**ACCORDINGLY**, Plaintiff’s motion for relief from a judgment or order pursuant to Fed. R. Civ. P. 60(b) (Dkt. 26) is DENIED.

**IT IS SO ORDERED** this 5<sup>th</sup> day of December 2023.

A handwritten signature in cursive script, reading "Ronald A. White".

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HONORABLE RONALD A. WHITE  
UNITED STATES DISTRICT JUDGE